

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Samuel Ross	Team: Squad #1	CCRB Case #: 201501900	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 03/16/2015 5:42 PM	Location of Incident: Lott Avenue and Rockaway Avenue	Precinct: 73	18 Mo. SOL 9/16/2016	EO SOL 9/16/2016	
Date/Time CV Reported Mon, 03/16/2015 6:08 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 03/16/2015 6:08 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Mathimohan Mohandas	11894	954142	PBBN
2. POM Jan Rogowski	17628	955406	PBBN

Officer(s)	Allegation	Investigator Recommendation
A.POM Jan Rogowski	Abuse: PO Jan Rogowski detained § 87(2)(b) at Lott Avenue and Rockaway Avenue.	
B.POM Mathimohan Mohandas	Abuse: PO Mathimohan Mohandas detained § 87(2)(b) at Lott Avenue and Rockaway Avenue.	
C.POM Jan Rogowski	Discourtesy: PO Jan Rogowski acted rudely toward § 87(2)(b)	
D.POM Jan Rogowski	Abuse: PO Jan Rogowski refused to provide his name and shield number to § 87(2)(b)	

Case Summary

On March 16, 2015 § 87(2)(b) was driving his red 2006 Nissan Maxima on Lott Avenue in Brooklyn. As he waited at a red light to cross Rockaway Avenue, PO Jan Rogowski and PO Mathimohan Mohandas pulled him over. PO Mohandas explained that § 87(2)(b) had been stopped for his vehicle's illegally tinted windows. PO Mohandas took § 87(2)(b)'s license, registration, and insurance to the RMP, parked behind § 87(2)(b)'s vehicle. After only a few minutes, the RMP pulled up next to § 87(2)(b). PO Rogowski told § 87(2)(b) that he and PO Mohandas had received an emergency call and told him to wait. § 87(2)(b) requested that the officers return his license, registration, and insurance to him before leaving. They did not return those materials to § 87(2)(b) and drove away, effectively detaining § 87(2)(b) at the intersection where they stopped him (**Allegations A and B**).

§ 87(2)(b) waited approximately thirty to forty minutes before PO Rogowski and PO Mohandas returned. The two officers approached § 87(2)(b)'s vehicle and told § 87(2)(b) he was receiving a ticket for his illegally tinted windows. § 87(2)(b) asked PO Rogowski for his name and shield number, prompting PO Rogowski to drop the ticket, along with § 87(2)(b)'s license, registration, and insurance, through the passenger's side window onto the front passenger's seat (**Allegation C**). § 87(2)(b) again requested PO Rogowski's name and shield number, stating his intent to file a complaint against the officers. PO Rogowski allegedly said, "Oh yeah? That's why you want my information?" and walked away without providing his name or shield number (**Allegation D**). The officer returned to the RMP and drove away.

Mediation, Civil, and Criminal Histories:

- On May 1, 2015 § 87(2)(b) stated that he did not believe in mediation § 87(2)(b)
§ 87(2)(b)
- § 87(2)(b), § 87(2)(g)
§ 87(2)(b)

Civilian and Officer CCRB Histories

- PO Rogowski has been a member of the NYPD for one year and this is the first CCRB complaint filed against him (02. Board Review).
- PO Mohandas has been a member of the NYPD for two years and this is the first CCRB complaint filed against him (03. Board Review).
- This is the second CCRB complaint filed by § 87(2)(b) (04. Board Review).

Findings and Recommendations

Allegation A—Abuse of Authority: PO Jan Rogowski detained § 87(2)(b) at Lott Avenue and Rockaway Avenue.

Allegation B—Abuse of Authority: PO Mathimohan Mohandas detained § 87(2)(b) at Lott Avenue and Rockaway Avenue.

It is undisputed among § 87(2)(b) (05. Board Review) and PO Mohandas (06. Board Review) that PO Mohandas took § 87(2)(b)'s license, registration, and insurance with him when he and PO Rogowski responded to a radio report of shots fired at Bristol Street and Dumont Avenue. A Sprint report confirmed the incident regarding shots fired (07. Board Review) and a second Sprint report showed that § 87(2)(b) called 911 to report the confiscation of his paperwork (08. Board Review). PO Rogowski (09. Board Review) did not recall § 87(2)(b)'s reaction when he was instructed to wait. PO Mohandas and § 87(2)(b) agreed, however, that § 87(2)(b) asked for the return of his license, registration, and insurance when the RMP pulled alongside him, and that, before driving away, PO Mohandas told him that he would have to wait for them.

PO Rogowski and PO Mohandas each testified that PO Mohandas carried § 87(2)(b)'s license, registration, and insurance to the RMP. There, he began to write § 87(2)(b) a ticket for his illegally tinted windows. When PO Mohandas had finished filling out approximately half the ticket, they received a report of shots fired at Bristol Street and Dumont Avenue. They did not receive any further information regarding the incident. Both PO Mohandas and PO Rogowski testified that they recognized this as a priority job and believed that due to their proximity and the seriousness of the report, they were required to respond. The intersection of Bristol Street and Dumont Avenue was located six blocks away. The officers each maintained that they had acted in accordance with the NYPD Patrol Guide in doing so.

PO Rogowski and PO Mohandas testified that as soon as the job was marked they returned to the intersection of Lott Avenue and Rockaway Avenue. There, they found § 87(2)(b) waiting for them. PO Rogowski and PO Mohandas corroborated § 87(2)(b)'s testimony that he waited at least thirty minutes for their return.

According to section 202-22 of the NYPD Patrol Guide, officers are required to respond to messages of serious police emergency within five blocks of their location, even if messages are directed to another car, regardless of sector, precinct, or borough boundaries (10. Board Review).

§ 87(2)(g)
[REDACTED]

Allegation C—Abuse of Authority: PO Jan Rogowski acted rudely toward § 87(2)(b)

PO Mohandas' name was on the summons issued to § 87(2)(b) (11. Board Review). § 87(2)(b) maintained that PO Rogowski approached his passenger's side window and, rather than hand him the ticket, dropped it through the open passenger's side window onto the passenger's seat.

PO Mohandas and PO Rogowski, however, testified that PO Rogowski never held the summons. They maintained that after returning to the intersection of Lott Avenue and Rockaway Avenue, PO Mohandas finished writing the summons in the RMP and then carried it to the driver's side of § 87(2)(b)'s vehicle. He handed § 87(2)(b) the summons along with his license, registration, and insurance and § 87(2)(b) took them from him.

§ 87(2)(g)

Allegation D—Abuse of Authority: PO Jan Rogowski refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) testified that he looked directly at PO Rogowski and asked him to provide his name and shield number so that § 87(2)(b) could file a complaint. He alleged that PO Rogowski said, "Oh yeah? That's why you want my information?" and walked away without providing his name or shield number. § 87(2)(b) was, however, able to see his shield number and provided it, #17628, to the investigator.

PO Rogowski testified that after PO Mohandas handed § 87(2)(b) the ticket, § 87(2)(b) asked for PO Rogowski's name and shield number. PO Rogowski provided them verbally to § 87(2)(b). PO Mohandas, however, testified that § 87(2)(b) asked first for PO Rogowski's name and shield number and then for PO Mohandas' name and shield number. PO Mohandas maintained that both he and PO Rogowski provided the requested information verbally.

§ 87(2)(g)

Pod: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date